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09/611,597	07/07/2000	Seiji Kobayashi	SONY-T0864	6504

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EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,597

Applicant(s)

KOBAYASHI ET AL.

Examiner

Michael V Battaglia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action, dated April 14, 2004, is in response to Applicant's amendment, filed January 23, 2004. Claims 1-28 are pending.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 1-3, 12, 13 and 20 are objected to because of the following informalities.

- a. On line 17 of claim 1, the examiner suggests replacing "can correctly be" with -is correctly--.
- b. On line 2 of claims 2, 3, 12 and 13, the examiner suggests replacing "predetermined length" with -predetermined minimum length- to more closely match the antecedent basis for the limitation.
- c. On line 19 of claim 20, the examiner suggests removing "be" from "be reproduced".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

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specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the predetermined minimum length of the pit row or mark row to which one bit of the sub-data is allocated is long enough that a local change to the pit row or mark row will not affect the main data from being correctly reproduced **and** such that the sub-data is correctly reproduced. The predetermined minimum length of a pit or a mark that is locally changed is long enough that the local change to the pit or the mark will not affect the main data from being reproduced (Page 22, lines 9-23). On the other hand, the predetermined minimum length of a pit row or a mark row to which a bit of the sub-data is allocated is long enough that the sub-data is correctly reproduced (Page 14, lines 8-14 and Page 22, line 23-Page 24, line 4). Therefore, it is unclear how one predetermined length is long enough to enable the main data and the sub-data to be correctly reproduced.

4. Claims 3, 13 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 2 of claim 3, line 3 of claim 13, and line 4 of claim 22 recite the limitation "the defect". There is insufficient antecedent basis for this limitation in the claims. Examiner will interpret the limitation as -the area to which one bit of the sub-data is allocated— in the prior art rejections below.

Claim Rejections - 35 USC § 102

5. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al (hereafter Yamamoto '792) (US 6,483,792)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e).

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This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regard to claim 1, Yamamoto '792 discloses an information recording apparatus in which in an information recording apparatus for recording main data by forming a pit row or a mark row to an information recording medium by irradiating the information recording medium with a beam for recording, said information recording apparatus comprising: first modulating signal generating means for generating a first modulating signal in correspondence with the pit row or the mark row (Fig. 1, element 16); second modulating means for generating a second modulating signal by modulating the first modulating signal by sub-data such that a pit or a mark of the pit row or the mark row is locally changed in accordance with a logical level of the sub-data (Fig. 1, elements 18-19); and beam modulating means for modulating the beam for recording by the second modulating signal (Fig. 1, element 8); wherein the second modulating means generates the second modulating signal by allocating one bit of the sub-data to the pit row or the mark row, the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced such that the main data can correctly reproduced (Fig. 6, element G1; Col. 2, lines 22-29; Col. 6, lines 28-38). The auxiliary audio signal and second information are interpreted as sub-data.

In regard to claim 10, Yamamoto '792 discloses an information recording method, wherein in an information recording method for recording main data by forming a pit row or a mark row on an information recording medium by irradiating the information recording medium with a

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beam for recording, said information recording method comprising: a step of generating a second modulating signal by modulating a first modulating signal in correspondence with a pit row or a mark row by sub-data in accordance with a logical level of the sub-data such that a pit or a mark of the pit row or the mark row is locally changed (Fig. 1, elements 18-19); and a step of modulating the beam for recording by the second modulating signal and irradiating the information recording medium with the modulated beam for recording (Fig. 1, element 8), wherein the second modulating signal is generated by allocating one bit of the sub-data to the pit row or the mark row, the pit row or mark row having a minimum predetermined length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being reproduced correctly such that the sub-data will be reproduced correctly (Fig. 6, element G1; Col. 2, lines 22-29; Col. 6, lines 28-38).

In regard to claim 11, Yamamoto '792 discloses an information recording medium (Fig. 1, element 4), recorded with main data by a pit row or a mark row, recorded by a process comprising recording sub-data by a local change of a pit or a mark of the pit row or the mark row and one bit of the sub-data is allocated to the bit row or the mark row (Fig. 1, elements 18-19), the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being reproduced correctly such that the sub-data will be correctly reproduced (Fig. 6, element G1; Col. 2, lines 22-29; Col. 6, lines 28-38).

6. Claims 1, 4-5, 8-11, 14-15, 18-20, 23-24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Inazawa et al (hereafter Inazawa) (US 6,587,948).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e).

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This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regard to claim 1, Inazawa discloses an information recording apparatus in which in an information recording apparatus for recording main data by forming a pit row or a mark row to an information recording medium by irradiating the information recording medium with a beam for recording, said information recording apparatus comprising: first modulating signal generating means for generating a first modulating signal in correspondence with the pit row or the mark row (Fig. 5, elements 51 and 52); second modulating means for generating a second modulating signal by modulating the first modulating signal by sub-data such that a pit or a mark of the pit row or the mark row is locally changed in accordance with a logical level of the sub-data (Fig. 5 and 10, element 47); and beam modulating means for modulating the beam for recording by the second modulating signal (Fig. 5, element 46); wherein the second modulating means generates the second modulating signal by allocating one bit of the sub-data to the pit row or the mark row, the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced such that the main data can correctly reproduced (Fig. 10, element 67; Fig. 11I; Fig. 15B; and Col. 10, lines 32-34 and 64-67).

In regard to claim 4, Inazawa discloses that the second modulating means comprises: binary coefficient row generating means for generating a binary coefficient row with the first modulating signal as a reference (Fig. 10, element 63); disturbing means for generating a disturbing signal by disturbing the sub-data by the binary coefficient row (Fig. 10, element 64); and signal

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modulating means for generating the second modulating signal by modulating the first modulating signal by the disturbing signal (Fig. 10, element 77).

In regard to claim 5, Inazawa discloses that the binary coefficient row is a binary coefficient row of M series (Fig. 10, element 63).

In regard to claim 8, Inazawa discloses that the binary coefficient row generating means initializes the binary coefficient row at a constant period with the first modulating signal as a reference (Fig. 10, element 62).

In regard to claim 9, Inazawa discloses that the first modulating means generates the first modulating signal by ciphering the main data (Fig. 5, elements 51 and 52) and the sub-data is data necessary for deciphering the main data (Col. 9, lines 11-12).

In regard to claim 10, Inazawa discloses an information recording method, wherein in an information recording method for recording main data by forming a pit row or a mark row on an information recording medium by irradiating the information recording medium with a beam for recording, said information recording method comprising: a step of generating a second modulating signal by modulating a first modulating signal in correspondence with a pit row or a mark row by sub-data in accordance with a logical level of the sub-data such that a pit or a mark of the pit row or the mark row is locally changed (Fig. 5, elements 51 and 52); and a step of modulating the beam for recording by the second modulating signal and irradiating the information recording medium with the modulated beam for recording (Fig. 5 and 10, element 47), wherein the second modulating signal is generated by allocating one bit of the sub-data to the pit row or the mark row, the pit row or mark row having a minimum predetermined length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being reproduced correctly such that the sub-data

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will be reproduced correctly (Fig. 10, element 67; Fig. 11I; Fig. 15B; and Col. 10, lines 32-34 and 64-67).

In regard to claim 11, Inazawa discloses an information recording medium (Fig. 5, element 42), recorded with main data by a pit row or a mark row, recorded by a process comprising recording sub-data by a local change of a pit or a mark of the pit row or the mark row and one bit of the sub-data is allocated to the bit row or the mark row (Fig. 5 and 10, element 47), the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being reproduced correctly such that the sub-data will be correctly reproduced (Fig. 10, element 67; Fig. 11I; Fig. 15B; and Col. 10, lines 32-34 and 64-67).

In regard to claim 14, Inazawa discloses that the local change is formed in accordance with a disturbing signal disturbing the sub-data by a binary coefficient row (Fig. 10, element 63).

In regard to claim 15, Inazawa discloses that the binary coefficient row is a binary coefficient row of M series (Fig. 10, element 63).

In regard to claim 18, Inazawa discloses that the binary coefficient row is initialized at a constant period with the pit row or the mark row as a reference (Fig. 10, element 62).

In regard to claim 19, Inazawa discloses that the main data is ciphered (Fig. 5, elements 51 and 52) and recorded and the sub-data is data necessary for deciphering the main data (Col. 9, lines 11-12).

In regard to claim 20, Inazawa discloses an information reproducing apparatus, wherein in an information reproducing apparatus for irradiating an information recording medium recorded with main data by a pit row or a mark row with a laser beam and receiving a return beam to thereby reproduce the main data, said information reproducing apparatus comprising: reproduced

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signal generating means for receiving the return beam and generating a reproduced signal, a signal level of which is changed in accordance with the pit row or the mark row (Fig. 16, element P); main decoding means for decoding the main data from the reproduced signal (Fig. 16, elements 85, 86, and 88); sampling means for sampling the reproduced signal and outputting a sampling signal (Fig. 17, element 97); and sub decoding means for reproducing sub-data recorded by a local change in a pit or a mark of the pit row or the mark row by repeating to integrate the sampling signal for a predetermined time period (Fig. 11I; Fig. 15B; Fig. 16, element 28; and Fig. 17, element 91); wherein the sub decoding means is set with an integrating time period in correspondence with one bit of the sub-data as a time period by which the pit row or mark row have a minimum size to which one bit of sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced, and the sub-data will also be decoded correctly (Fig. 17, elements 93, 100, and 101 and Col. 10, lines 32-34 and 64-67). It is noted that the detection unit (Fig. 16, element 28) is the same as the detection unit (Fig. 17, element 91). The adder (Fig. 17, element 100) and accumulator (Fig. 17, element 101) form an accumulative adder (Col. 15, lines 9-10) that integrates the sampling signal (Fig. 17, element RX) over a predetermined time period, controlled by the synchronization pattern detecting circuit (Fig. 17, element 93), in correspondence with one bit of the sub-data that is used to find the value of the sub-data (Fig. 17, element SC1).

In regard to claim 23, Inazawa discloses that the information reproducing apparatus according to Claim 20, further comprises a binary coefficient row generating means for generating a binary coefficient row with the reproduced signal as a reference (Fig. 17, element 95); wherein the sub decoding means integrates the sampling signal in accordance with the binary coefficient row (Fig. 17, element 99).

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In regard to claim 24, Inazawa discloses that the binary coefficient row is a binary coefficient row of M series (Fig. 17, element 95).

In regard to claim 26, Inazawa discloses that the binary coefficient row generating means initializes the binary coefficient row at a constant period with the reproduced signal as a reference (Fig. 17, element 94).

In regard to claim 27, Inazawa discloses that the main decoding means deciphers the main data based on the sub-data (Fig. 16, elements 30 and 88 and Col. 9, lines 11-12).

In regard to claim 28, Inazawa discloses an information reproducing method, wherein in an information reproducing method for irradiating an information recording medium recorded with main data by a pit row or a mark row with a laser beam and receiving a return beam to thereby reproduce the main data, said information reproducing method comprising: a step of decoding the main data from a reproduced signal a signal level of which is changed in accordance with the pit row or the mark row provided by receiving the return beam (Fig. 11I; Fig. 15B; Fig. 16, elements P, 85, 86, and 88); and a step of reproducing sub-data recorded by a local change in a pit or a mark of the pit row or the mark row by repeating to integrate a sampling signal provided by sampling the reproduced signal for a predetermined time period (Fig. 11I; Fig. 15B; Fig. 16, element 28; and Fig. 17, element 91); wherein an integrating time period in correspondence with one bit of the sub-data is set to a time period by which the pit row or mark row have a minimum size to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being reproduced correctly, and the sub-data will also correctly be reproduced (Fig. 17, elements 93, 97, 100, 101; and Col. 10, lines 64-67). It is noted that the detection unit (Fig. 16, element 28) is the same as the detection unit (Fig. 17, element 91). The adder (Fig. 17, element 100) and accumulator (Fig. 17, element 101)

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form an accumulative adder (Col. 15, lines 9-10) that integrates the sampling signal (Fig. 17, element RX) over a predetermined time period, controlled by the synchronization pattern detecting circuit (Fig. 17, element 93), in correspondence with one bit of the sub-data that is used to find the value of the sub-data (Fig. 17, element SC1).

7. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al (hereafter Yamamoto '552) (US 6,078,552).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regard to claim 1, Yamamoto '552 discloses an information recording apparatus in which in an information recording apparatus for recording main data by forming a pit row or a mark row to an information recording medium by irradiating the information recording medium with a beam for recording, said information recording apparatus comprising: first modulating signal generating means for generating a first modulating signal in correspondence with the pit row or the mark row (Fig. 1, element 14); second modulating means for generating a second modulating signal by modulating the first modulating signal by sub-data such that a pit or a mark of the pit row or the mark row is locally changed in accordance with a logical level of the sub-data (Fig. 1, elements 8A, 12, and 13); and beam modulating means for modulating the beam for recording by the second modulating signal (Fig. 1, element 8B); wherein the second modulating means generates the second modulating signal by allocating one bit of the sub-data to the pit row or the

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mark row, the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced such that the main data can correctly reproduced (Col. 2, lines 2-10 and Fig. 15). It is notes that the length of the pit row or mark row to which one bit of the sub-data is allocated is long enough that sub-data and main data, including the main data on which the sub-data is written, are reproduced correctly.

In regard to claim 11, Yamamoto '552 discloses an information recording medium (Fig. 1, element 2), wherein in an information recording medium recorded with main data by a pit row or a mark row, sub-data is recorded by a local change of a pit or a mark of the pit row or the mark row (Fig. 1, elements 8A, 12, and 13) and one bit of the sub-data is allocated to the bit row or the mark row having a predetermined length with regard to a defect having a length by which the main data can be reproduced correctly such that the sub-data can be correctly reproduced (Col. 2, lines 2-10 and Fig. 15). It is notes that the length of the pit row or mark row to which one bit of the sub-data is allocated is long enough that sub-data and main data, including the main data on which the sub-data is written, are reproduced correctly.

In regard to claims 2 and 12, Yamamoto '552 discloses that the predetermined length is a length of 1 [mm] or more (Fig. 15).

In regard to claims 3 and 13, Yamamoto '552 discloses that the predetermined length is a length by which the area to which the area to which one bit of the sub-data is assigned can be detected by optical observation (Fig. 15).

Claim Rejections - 35 USC § 103

8. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being obvious over Inazawa in view of Yamamoto '552.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Inazawa discloses the information reproducing apparatus according to claim 20 with an integrating time period that is in correspondence with the one bit of the sub-data that is a time period in correspondence with a length of the area to which one bit of the sub-data is assigned. Inazawa does not disclose that the length to which the time period corresponds is a length of 1mm or more or that the length is a length by which the area to which one bit of the sub-data is assigned can be seen by optical observation.

Yamamoto '552 discloses that allocating one bit of sub-data to a pit row or mark row that is longer than 1mm (Fig. 15) and long enough to be detected by optical observation to allow a visual determination to be made as to whether or not a disc is an illegal copy (Col. 16, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the length to which the time period of Inazawa corresponds to be longer than 1mm and long enough to be detected by optical observation as suggested by Yamamoto '552, the motivation being for the length to be long enough to allow a visual determination to be made as to whether or not a disc is an illegal copy.

Citation of Relevant Prior Art

9. Nagano (US 5,570,339) discloses an information recording and reproducing apparatus that locally changes a pit row or a mark row in accordance with a logical level of sub-data (Fig. 5).

Allowable Subject Matter

10. Claims 6-7, 16-17, and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed January 23, 2004 with respect to the rejections of claims 1 and 10 have been fully considered but they are not persuasive. Yamamoto discloses allocating a bit of sub-data only to pit rows or mark rows that are have at least a predetermined minimum length (Col. 6, lines 28-28) such that a local change to the pit row or mark row will not affect correct

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reproduction of the main data and sub-data (Col. 2, lines 22-29). The auxiliary audio signal and second information are interpreted as sub-data.

12. Applicant's arguments filed January 23, 2004 with respect to 35 U.S.C. 103 rejections under Yamamoto have been fully considered but they are not persuasive. The fact that a reference and the application have the same assignee is not, by itself, sufficient evidence to disqualify a 35 U.S.C. 103(a) rejection based upon prior art only available under 35 U.S.C. 102(e). There must be a statement that the common ownership was "at the time the invention was made."

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Battaglia



W. R. YOUNG
PRIMARY EXAMINER